



U.S. AGENCY FOR
GLOBAL MEDIA

UNITED STATES
BROADCASTING
BOARD OF
GOVERNORS

330 Independence Avenue SW, Room 3349 | Washington, D.C. 20237 | usagm.gov | T 202.203.4550 | F 202.203.4585

April 26, 2019

Liam Knox
MuckRock News
DEPT MR 71307
411A Highland Ave.
Somerville, MA 02144-2516

RE: Request Pursuant to the Freedom of Information Act – FOIA #19-035

Dear Mr. Knox:

This letter is a response of your Freedom of Information Act (FOIA) request to the U.S. Agency for Global Media (USAGM)/Broadcasting Board of Governors (BBG) dated April 2, 2019, which the Agency received on April 3, 2019. In your request, you seek an electronic copy of all e-mails, memoranda, and other communications between 2000-2003 with VOA employees and the following Venezuelan media organizations and persons:

- Venevision (television network);
- Gustavo Cisneros;
- RCTV;
- Televen; and
- Globovision.

For tracking purposes, your request has been assigned **Reference Number FOIA19-035**. Please refer to this number in all future correspondence with our office regarding your request. Also, be advised that the Agency processes FOIA requests on a first in, first out basis.

The Agency performed an initial search for records responsive to your specified terms and it yielded an unusually large volume of potentially responsive records. Initial estimates indicate at least 1,000 employees were identified as having information potentially responsive to your search terms, and there is no current estimate as to the total number of pages those documents may generate. Reviewing records from at least 1,000 employees will impose an unreasonable burden on the Agency by requiring personnel to spend countless hours manually inspecting each individual message to identify the single word that rendered it responsive to your request and to determine whether non-responsive or protective information must be redacted prior to public release. As you may know, guidance from the Department of Justice states that for a request to be considered properly filed under the FOIA it must reasonably describe the records being sought with enough specificity to permit an agency to reasonably determine exactly which records are being requested, and to locate such records with a reasonable amount of effort. In this case, your request does not reasonably describe records with sufficient specificity under the law. The sheer volume of employees' files to search will require an unreasonable amount of effort to process. If a request is not properly filed under the FOIA, agencies are not obligated to search for or produce records being sought by it.

Moreover, based on the number of employees whose records would be searched it has become clear that your request as originally submitted is not adequately specific enough to comply with the FOIA. Courts have routinely ruled that FOIA was not intended to allow requesters to engage in speculative “fishing expeditions” at taxpayer expense, and asking the Agency to search for records of at least 1,000 employees certainly appears to be the type of speculative activity considered improper under the FOIA.

Thus after further review of your request, I have determined that it is unreasonably broad in its scope and not properly submitted under the FOIA. Accordingly, the Agency is not obligated to search for records responsive to it as it is currently submitted.

We therefore extend you an opportunity to narrow the scope of your request to enable the Agency to locate records responsive to it with a reasonable amount of effort. You may narrow the scope of your request to bring it into compliance with the FOIA by indicating the particular VOA employees, records within specific offices, or records created by specific personnel to more accurately describe the records you are seeking so the Agency can locate them with a reasonable amount of effort as required by FOIA.

We are suspending further processing on your request until we receive your reply in writing regarding your decision to reduce the scope of your request. If we do not receive your reply within 30 days of this letter, we will assume you are no longer interested in pursuing this request and it will be closed.

If you have any questions regarding your request, please contact me at 202-203-4550, the Office of General Counsel at the above address or at foia@usagm.gov.

Sincerely,



H. David Kotz
Assistant General Counsel
Office of the General Counsel
Freedom of Information and Privacy Act
Office